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C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 000368

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PACOM FOR FPA HUSO
NSC FOR MORROW

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TAGS: PGOV PHUM PREL KDEM TH

SUBJECT: ACTIVIST DISCUSSES PROGRESS ON CONSTITUTION,
CONCERNS REFERENDUM MAY FAIL

REF: BANGKOK 311

Classified By: Political Counselor Susan M. Sutton, reason 1.4 (b) and (d).

¶1. (C) SUMMARY: A member of the Constitution Drafting Assembly told us that a vigorous outreach program to promote public participation and support for the new constitution would be necessary to ensure that the final product was good and would pass in the referendum to be held by August. He complained that the high qualifications set for the constitution drafters would limit the participation of genuine representatives of the people, although a compromise had permitted a somewhat more diverse group of drafters to be chosen. We are hearing more and more concerns that the constitution might not pass the required referendum, an undesirable outcome that may increasingly occupy the attention of constitution drafters and the government. End summary.

¶2. (C) Chirmsak Pinthong, former senator and democracy activist, discussed the importance of winning popular support for the new constitution during a January 16 meeting with polcouns. Chirmsak, who is a member of the 100-person Constitution Drafting Assembly, said that he would devote most of his efforts for the next six months to supporting genuine public participation in the debate about the new constitution. Chirmsak was worried about low turn-out for the constitution referendum, which must be held by August according to the timeline set out in the interim constitution. Of the approximately 45 million eligible voters, he would expect perhaps a little more than half to vote. He estimated that about six million would oppose the new constitution on principle -- because they opposed the coup, or were "single issue" voters who would disagree strongly with some isolated provision, such as the status of Buddhism or the election of senators. Another six million would oppose the constitution because Thaksin's Thai Rak Thai would campaign against it (reftel). In addition to getting a "no" vote from committed Thaksin supporters, he expected vote buying to play a role. "At 300 baht per vote, it is not very expensive," he said. Polcouns told him of our concern that the timeline for return to democratically-elected government was too protracted, and our hope that it can be accelerated. Chirmsak responded that the six month deadline for the constitution was "tight" and emphasized his concern that enough time be spent getting public participation and support so that the draft would be good and would pass the referendum.

¶3. (C) Chirmsak met with us as the CDA was electing the 25

members of the Constitution Drafting Committee chosen by the CDA (10 more are being chosen by the Council for National Security). Chirmsak had led a small revolt of CDA members earlier in the week; they opposed the requirement set by government regulation that most members of the CDC have higher education degrees or have held a senior government position. Chirmsak claimed that this would limit the involvement of genuine representatives of the people and tend to make the constitution reflect the interests of the "bureaucracy" and not those of the citizens. In the end, the CDA was told that there was not time to seek a formal change in the regulation, since this would delay the constitution drafting process, but they had found a way to bend the rules a little. Chirmsak said that this had facilitated, for example, the election of the wife (presumed widow) of disappeared Muslim lawyer Somchai Neelipaichit as one of the drafters. Although a compromise had been found, Chirmsak still objected, in principle, to the government setting out the regulations governing the CDA's choices, and he had therefore refused to be considered to serve as one of the 35 drafters -- a slot he was predicted to win with ease, had he wanted it.

¶4. (C) Comment: We are hearing more and more concerns that the new constitution may not pass the required referendum. None of these opinions are the result of scientific surveys, but the concerns are expressed by experienced political figures. If the constitution does not pass, according to the interim charter, the CNS and the government can pick any previous constitution, amend it as necessary within thirty days of the referendum and present it to the King for signature and promulgation. Some political observers predict that this turn of events could provoke a public backlash, or

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at the very least, invite more political uncertainty. This is yet one more instance of how something that was viewed as a fairly mundane, mechanical process a few months ago -- a technicality -- has become unpredictable, to the detriment of the coup leaders and their origin designs. End comment.
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